IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.505 OF 2007

Shri.Ankush D. Bhandarkar. ..Petitioner.
Vs.
The State of Maharashtra and ors. ..Respondents.

Mr.Ambar Joshi for the petitioner absent.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : June 14, 2007

P.C.

1. This matter was on board on 4.5.2007 and since no one was present, it was kept beyond vacation. Today, the matter is on board. The learned counsel for the petitioner Mr. Ambar Joshi is absent. No one has put forth any difficulty of Mr. Joshi. Neither petitioner is present. Therefore, we perused the petition and proceeded to decide it on merits.

2. By this petition, the order dated 4.3.2006 passed by the District and Sessions Judge,Thane is challenged. The petitioner has been held guilty of misconduct for being responsible for missing of record and proceeding in Criminal Case No.294 of 2001 and 295 of 2001 while working as bench clerk in Civil Court, Vasai and has been punished under Rule 5(1)(iv) of M.C.S. (D&A) Rules, 1979 and his two increments were withheld for a period of two years without having effect on his future

increment. The fact of missing the record and proceeding of the criminal cases is not disputed by the petitioner. It appears from the record that the petitioner has shifted his responsibility upon the peons. When the record is in custody of the petitioner, he is supposed to be the custodian of the record and not the Peons. This is a second offence of mis conduct. Taking into consideration over all facts of the case, we do not find it appropriate to entertain the petition. Petition is therefore, rejected.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**